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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/735,307  
Applicant : Johnson  
Filed : December 12, 2003  
TC/AU : 3621  
Examiner : Negron  
Docket Number : 840468-605001  
Customer No. : 41498  
Re : Non-Intrusive Data Transmission Network for Use in an  
Enterprise Facility and Method for Implementing

## DECLARATION UNDER 37 CFR § 1.132

I, Edwin E. Carty, declare and say:

That I am a citizen of the United States and reside at 7300 Bolo Lane Flower Mound, TX 75022.

That I am currently employed by HealthCare Partners Investments, LLC, , having a principal address at 14024 Quail Pointe Drive Oklahoma City, OK 73134. I have been Vice President for Supply Chain for 4 years with the primary responsibility for evaluating healthcare supplies and equipment to be used in hospitals, surgical centers, imaging centers and related healthcare facilities.. I have over 30 years in the healthcare industry and have established major Group Purchasing Organizations for the leading providers of healthcare in the industry, worked with and for integrated delivery systems, have consulted to hospitals and product manufacturers for the benefit of the healthcare industry.

That I am neither employed by or under any contractual obligation CAREVIEW COMMUNICATIONS, INC. (CareView). Neither I, nor my employer, has received any compensation or consideration from CareView making the following declaration.

That healthcare facilities and hospitals should rely heavily on video monitoring for observing patients and patient areas. It is not uncommon for a hospital to have 200 to 500 beds, each of which would benefit from patient monitoring. Remote surveillance devices are recognized as being particularly efficient for monitoring certain patients. However, the patient monitoring video should be reliably available to a nurse, doctor or other health care giver, preferably in near real-time, for effectively managing patient care and safety.

That healthcare facilities have recognized that their distribution infrastructures generally do not have the bandwidth to support the real-time transmission of large amounts of patient monitoring video, large volumes of video data generated by such monitoring systems results in slow, erratic and sometimes unpredictable delivery of data across the distribution network. Consequently, healthcare facilities often elect to prioritize other types of network traffic and give patient monitoring video data a lower priority than the other types of data on the network. This results in lower frame rates, lower video resolutions, intermittent reception and/or lost patient monitoring video sequences.

That currently, no solutions to the patient monitoring problem have received widespread acceptance in the industry. Existing wire distribution networks generally do

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not have the bandwidth to accommodate large patient monitoring systems. Existing coaxial distribution systems are dedicated for the delivery of audio/video media to the patient's bedside and suffer from some of the same bandwidth shortcomings as wired distribution networks. Dedicated surveillance networks are expensive to operate and usually require re-cabling and significant downtime for a facility. Wireless networks are often incompatible for some types of medical equipment, so their usage is severely restricted in healthcare environments. Remote patient monitoring efforts have been less than satisfactory, resulting on a greater reliance on nurses and other professionals to make routine bed checks for assessing patient status.

That I am familiar with the CareView System and its operation. The CareView System is a patient monitoring network device that operates on a coaxial distribution network. The CareView System includes a video surveillance camera, a motion detector, a hard drive and modulators and demodulators for receiving and transmitting information on the coaxial network. The CareView System transmits patient monitoring video over the coaxial distribution network on one carrier and simultaneously receives audio/video (CATV) off the coaxial distribution network. The CareView System captures a continuous and uninterrupted stream of video of the patient (subject to privacy requests from the patient). The CareView System identifies important patient monitoring video based on detecting movement in the monitored area by the motion detector (video sequences of the area taken when no motion is detected are less important). The CareView System may store patient monitoring video sequences which have been identified as important on the local hard drive, depending on the state of the coaxial network. The CareView System may store patient monitoring video that has been identified as important on the local hard drive, depending on parameters defined by the facility. The CareView System may store patient monitoring video that has been identified as important on the local hard drive, and simultaneously transmit the patient monitoring video sequences over the coaxial distribution network. The CareView System operates over the coaxial distribution network on one carrier and simultaneously receives audio/video for patient entertainment off the coaxial distribution network.

That the CareView System allows healthcare facilities and hospitals to use their existing coaxial distribution network for video surveillance, thereby freeing the bandwidth traffic for other types of traffic and eliminating the necessity for a dedicated surveillance distribution network.

That the CareView System allows facilities to efficiently manage the traffic of its coaxial distribution network by prioritizing patient monitoring video based on movements detected in the monitored area. Normally, patient monitoring video is available to healthcare professionals on the coaxial distribution network in real-time. If the coaxial distribution network is experiencing high traffic volumes, patient monitoring video sequences can be transmitted at a reduced frame rate, thereby preserving the integrity of the coaxial network, but retained on the hard drive in a full frame rate form at normal resolution.

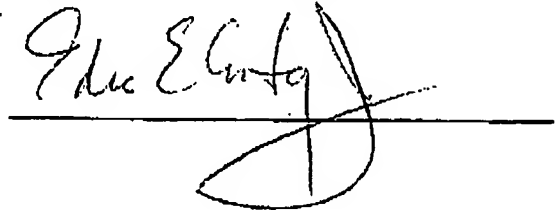
That the CareView System allows facilities to store high priority patient monitoring video on the local hard drive at full frame rate form at normal resolution. In that way, the availability of important patient monitoring video is not dependent on the state of the distribution network.

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That the undersigned declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date:

June 27-08A handwritten signature in black ink, appearing to read "Rudolph J. Buchel Jr.", written over a horizontal line.